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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

CASE NO. 3:17-cv-00939-WHA

20 Plaintiff,

21 vs.

22 **DECLARATION OF ANDREA PALLIOS
ROBERTS IN SUPPORT OF PLAINTIFF
WAYMO'S LETTER BRIEF RE JACOBS-
RELATED DISCOVERY**

23 UBER TECHNOLOGIES, INC.;
24 OTTOMOTTO LLC; OTTO TRUCKING
25 LLC,

Judge: Hon. William H. Alsup
26 Defendants.
27 Trial Date: February 5, 2018
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1 I, Andrea Pallios Roberts, hereby declare as follows.

2 1. I am a member of the bar of the State of California and Counsel with Quinn
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC (“Waymo”). I make this
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and
5 would testify competently as follows.

6 2. I attended a telephonic meet and confer on December 4, 2017, during which the
7 Special Master instructed Uber to provide a log of each attorney at MoFo who received the Jacobs
8 documents, with the date and time he or she received it, and entries of all written communications
9 to or from the attorneys about the Jacobs documents. Attached as Exhibit 1 is a true and correct
10 copy of an email from James Judah dated December 4, 2017, which memorialized the meet and
11 confer.

12 3. I attended a telephonic meet and confer on December 6, during which the Special
13 Master directed Uber to produce a log of all pre-November 22 communications among MoFo
14 attorneys on the *Waymo* litigation team, or between those attorneys and Uber, or between those
15 attorneys and any other law firm (excluding WilmerHale) that has represented Uber in this matter,
16 regarding the Jacobs documents by midnight that day. No log was provided by that deadline. The
17 Special Master also directed Uber to produce a log of all pre-November 22 communications
18 involving the three Jacobs documents among any MoFo attorneys, whether or not on the Waymo
19 litigation team, by December 11. Attached hereto as Exhibit 2 is a true and correct copy of an
20 email from Wendy Ray to counsel in this action, which memorialized the December 6 meet and
21 confer.

22 4. I attended another telephonic meet and confer on December 7, during which the
23 Special Master reiterated his directive regarding the logs. After that meet and confer, Uber
24 provided a summary, which stated that MoFo was only required to “provide a log of
25 communications of MoFo attorneys on the Waymo trial team involving the three Jacobs
26 documents up until November 22.” Waymo responded to that summary with edits in red,
27 clarifying that MoFo was to provide “a log of all communications that includes a separate entry for
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1 every communication by or to any MoFo attorneys, whether on the Waymo trial team or not,
2 involving the three Jacobs documents or any allegations in the three Jacobs documents up until
3 November 22.” Attached as Exhibit 3 is a true and correct copy of an email from David Perlson to
4 counsel in this matter, which memorialized the December 7 meet and confer.

5 5. I attended a telephonic meet and confer on December 11, during which MoFo
6 contended it was never ordered to produce a log of all communications by or to any MoFo
7 attorneys, whether or not on the trial team, involving the three Jacobs documents or allegations set
8 forth therein and refused to do so.

9 6. Attached hereto as Exhibit 4 is a true and correct copy of a an email from David
10 Perlson to counsel in this action, dated December 10, 2017.

11 7. Attached hereto as Exhibit 5 is a true and correct copy of “Uber's Privilege Log Re
12 Communications with Trial Team Re Jacobs Documents pre November 22, 2017,” served by Uber
13 to Waymo on December 10.

14 8. Attached hereto as Exhibit 6 is a true and correct copy of WilmerHale’s “Log of
15 Communication with Trial Counsel Firms Through November 21, 2017,” served by counsel for
16 WilmerHale on December 8, 2017.

17 9. Attached hereto as Exhibit 7 is a true and correct copy of an email from Karen
18 Dunn to counsel in this action, dated December 11, 2017.

19 10. Attached hereto as Exhibit 8 are a true and correct copies of emails sent from Ethel
20 Villegas to counsel in this action, dated December 10 and 11, 2017.

21 11. Attached hereto as Exhibit 9 is a true and correct copy of a document produced by
22 Uber and bearing Bates number UBER00335085, which disclose meeting minutes from an Uber
23 Board of Directors meeting dated June 22, 2017.

24 12. Attached hereto as Exhibit 10 is a true and correct copy of Defendants’ Objections
25 and Responses to Plaintiff’s Requests for Production Relating to Issues in Jacobs Letter, dated
26 December 11, 2017.

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13. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: December 12, 2017

/s Andrea Roberts

Andrea Pallios Roberts

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Andrea P. Roberts.

/s/ Charles K. Verhoeven

Charles K. Verhoeven